

EXHIBIT

A

FREEDOM OF INFORMATION ACT REQUEST

11/29/2018

RE: FREEDOM OF INFORMATION ACT REQUEST
Veteran: Louis Edward Grandpre
VA Claim No: 381-70-3721
Veteran Social Security #: 381-70-3721

To Whom It May Concern:

This is a request for documents under 38 C.F.R. §1.577, the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the Privacy Act, 5 U.S.C. § 552a, on behalf of Louis Edward Grandpre (Veteran). This request is properly made via facsimile as it contains the signature of the requester.

1. IDENTIFICATION OF DOCUMENTS.

I hereby request a copy of all documents contained in any VA claims folder for any of Veteran's VA claims, to include all documents in the right flap, left flap and center flap, and all electronic documents in any VBA file related to Veteran's Title 38 Claim(s), including but not limited to "Virtual VA", VBMS-A, VBMS-R, and VBMS-D, as well as any documentation pertaining to this Veteran and/or his/her VA claims and/or Appeals in AMIE/CAPRI/VGRIS/VACOLS, and/or in any other system of records in the BVA (or under contract with the VBA) used to preserve information (whether substantive, procedural, or meta-data) related to those records, wherever such records about the Veteran's claim are kept or stored by the VA

2. FORM/FORMAT IN WHICH TO PRODUCE INFORMATION.

The FOIA and the VA's own internal policies related to FOIA requests, require that the records be produced in the format sought by the requester, if the record is readily reproducible in that form or format.

I PREFER RECEIPT OF THESE RECORDS ON: CD-R IN PDF FORMAT.

Please take special care to ensure that both sides of any two-sided documents produced in response to this request are included in the response, and are scanned into a PDF in such a way that they do not "bleed-through" from one side of the document to the other.

3. TIME FOR RESPONSE.

Please note that this request for documents is being made pursuant to the Privacy Act, 5 U.S.C. § 552, and the Freedom of Information Act (FOIA), 5 U.S.C. § 552a, as well as 38 C.F.R. §1.550 and 38 C.F.R. § 1.577. Your agency has a duty to respond to this request within TWENTY (20) BUSINESS DAYS of the date of this request pursuant to 5 U.S.C. § 552 (a)(6)(A)(2)(i).

Additionally, although an extension of time to respond may be requested, it may only be granted for "unusual circumstances." "Predictable agency workload" is not typically considered an unusual circumstance as stated in 5 U.S.C. § 552(a)(6)(C)(ii).

Moreover, even to the extent that unusual circumstances could be demonstrated in this instance, the time limit for the extension is limited to "10 working days" pursuant to 38 C.F.R. § 1.553(d).

Please also be aware that your agency's failure to respond to this request within twenty business (20) days can result in the filing of an administrative appeal with the office of the Secretary of the Department of Veterans Affairs pursuant to 38 C.F.R. § 1.557 and 5 U.S.C. § 552(a)(6)(A)(2)(ii), and/or, the filing of a federal lawsuit to compel the production of the information.

In any such appeal or lawsuit, I intend to seek not only injunctive and/or monetary relief related to this request, but to the extent permitted by law, injunctive and/or monetary relief based on the Department of Veteran's Affairs patterns and/or practices of responding to FOIA requests in a manner violative of the FOIA, as well as attorney fees and litigation expenses, and any other remedy/relief available at law.

4.) Point of Contact

As discussed above, please respond to this request within twenty (20) business days. I may be contacted at 813-468-3047.

Thank you very much in advance for your assistance.

Respectfully,



Louis Edward Grandpre

17868 Sandy Run Ct.
Noblesville, IN, 46062

EXHIBIT

B

Your Freedom of Information Act / Privacy Act Request Claim

What you've claimed: Privacy Act Request (New)

Need help?

Call Veterans Affairs Benefits and Services:

1-800-827-1000

Monday – Friday, 8:00 a.m. – 9:00 p.m. (ET)

[Submit a question to VA](#)

Status	Files	Details
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✓

Claim received

Dec. 12, 2018

Thank you. VA received your claim

2

Initial review

Your claim has been assigned to a reviewer who is determining if additional information is needed.

Dec. 19, 2018

Your claim moved to Initial review

3

Evidence gathering, review, and decision

4

Preparation for notification

5

Complete

Estimated date: April 5, 2019

We base this on claims similar to yours. It isn't an exact date.

NEW [Check out your new personalized homepage](#)



EXHIBIT

C

FREEDOM OF INFORMATION ACT APPEAL

Department of Veterans Affairs,
Records Management Center
P.O. Box 5020
St. Louis, MO 63115
FAX: 314-679-3730

Department of Veterans' Affairs,
Evidence Intake Center
FAX: (844) 531-7818

Department of Veterans Affairs,
Office of the General Counsel
810 Vermont Avenue, NW,
Washington, DC 20420

01/10/2019

RE: FREEDOM OF INFORMATION ACT APPEAL
Veteran: LOUIS EDWARD GRANDPRE
VA Claim No: 381703721
Veteran Social Security #: 381-70-3721

To Whom It May Concern:

This is an appeal under the Freedom of Information Act.

On 11/29/2018 I requested a complete copy of documents and evidence created by the VA related to a recent Compensation & Pension Examination in my VA disability benefits claim under the Freedom of Information Act (FOIA). See attached.

The FOIA Request was received by the VA Regional Office FOIA Officer on 12/12/2018 See date in ebenefits website. The VA Regional Office FOIA Officer has not provided the requested documents in the time required by law.

I am seeking production of documents related to my VA benefits that are relevant and material to my dispute. The Dept. of Veterans Affairs is the Agency last known to have particular documents requested that are relevant and material to his appeal.

The VA's 20 working days to respond to that request have passed on 01/11/2019
BUSINESS DAYS FROM THE DATE THE VA RECEIVED THE FOIA REQUEST ON
12/12/2018

This is an appeal of the VA's failure to respond to my FOIA request. I am aware of

no legitimate reason why the VA might withhold production of these records, why the VA would have failed to diligently search for the documents last known to be in its possession, control or custody, or why the VA would fail to respond to the production of the documents requested pursuant to my FOIA request.

An agency is required to make a "determination" on the merits of a FOIA appeal within 20 working days of receipt. 5 U.S.C. § 552(a)(6)(A)(ii).

I am currently contacting FOIA attorneys. Should the VA fail to respond to, or improperly deny, this appeal under the Freedom of Information Act, I am prepared to initiate a FOIA suit in the appropriate Federal District Court to compel disclosure of the documents, as well as any reasonable attorney fees and costs to which I might be entitled to under the law or in equity.

Please feel free to contact me to discuss any aspect of my appeal.
813-468-3047

Thank you for your prompt consideration of this appeal.

Respectfully,

Louis Edward Grandpre

LOUIS EDWARD GRANDPRE
17868 SANDY RUN CT.
NOBLESVILLE, IN, 46062

EXHIBIT

D

8516172100

P.01/01

TRANSACTION REPORT

JAN/10/2019/THU 12:30 AM

FAX (TX)

#	DATE	START T.	RECEIVER	COM.TIME	PAGE	TYPE/NOTE	FILE
001	JAN/10	12:29AM	918445317818	0:01:09	2	MEMORY OK	ECM 0186

FREEDOM OF INFORMATION ACT APPEAL

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810 Vermont Avenue, NW,
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VA Claim No: 381703721
Veteran Social Security #: 381703721

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8516172100

P.01/01

TRANSACTION REPORT

JAN/10/2019/THU 12:09 AM

FAX (TX)

#	DATE	START T.	RECEIVER	COM.TIME	PAGE	TYPE/NOTE	FILE
001	JAN/10	12:03AM	913146793730	0:01:36	2	MEMORY OK	ECM 0183

FREEDOM OF INFORMATION ACT APPEAL

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